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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,270	03/23/2006	Frederic De Molere	DE MOLIERE ET AL.,-1(PCT)	9862
25889	7590	02/17/2010	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			FOX, CHARLES A	
			ART UNIT	PAPER NUMBER
			3652	
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			02/17/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/567,270

**Applicant(s)**

MOLIERE ET AL.

**Examiner**

Charles A. Fox

**Art Unit**

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 17, 2009 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 11 it is not clear how the mobile control unit if located on the transfer device can receive power from the vehicles system if the terminal is deactivated. The only disclosure of the connection between the transport device and the vehicle being assembled is the terminal. The opposite problem exists for claim 12 where the mobile device gets power through the terminal that is deactivated. In the art rejections below the claims are treated as best understood by the examiner. Clarification is required.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2,3,9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over The admitted prior art in view of Klontz et al. Regarding claims 9 and 11 the admitted prior art teaches moving a vehicle about an assembly plant on an overhead carriage supplied with contact less power to the carriage. They do not teach taking some of the contact less power and connecting it to a vehicle via a terminal. Klontz et al. US 5,341,083 teaches a system for providing power to a vehicle comprising:

- a primary source of power (202);

- a cord with a terminal (205) at its distal end and its proximal end connect to the power source;

- a vehicle with an onboard electrical system;

- wherein the terminal is configured to connect with the vehicle to supply power to said vehicle;

- a controller for turning the power to the terminal in a predetermined order of operations as set by the users of the system. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by the admitted prior art with a power cord and terminal as taught by Klontz et al. in order to provide power as needed to the vehicle on the carriage from the closest source of power in this case the overhead contact less power supply powering the carriage.

Regarding claims 2 and 3 Klontz et al. further teach turning the power to the terminal on and off based upon control signals from a host computer. It would have been obvious to one of ordinary skill in the art, at the time of invention to use controls as

taught by Klontz et al. in order to prevent overloading of the vehicles electrical system as well as only using the power supply selectively as predetermined by a user.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art and Klontz et al. as applied to claim 2 above, and further in view of Simpkin. They do not explicitly teach a mobile controller with an electrical interface. Simpkin et al. also teach that a terminal for an electrical interface is activated via a mobile control unit (17) attached to a vehicle body via said electrical interface. It would have been obvious to one of ordinary skill in the art at the time of invention to provide the device taught by the admitted prior art with a controller as taught by Simpkin et al. such that power may be selectively applied to the vehicle as needed as it is moved about the assembly plant.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art and Klontz et al. and Simpkin as applied to claims 9 and 4 above, and further in view of Takakura et al. The admitted prior art and Klontz et al. teach the limitations of claims 9 and 4 as above, they also teach the power for the mobile control device comes from the controller. They do not teach the electrical interface being at any particular part of the vehicle body. Takakura et al. US 6,237,400 teaches a device for testing a vehicle comprising:

- a wireless device (2) for testing a vehicle;

- said device wireless controlled and corresponding with a computer (3);

- wherein said device connects to a vehicle through a diagnostic connector on said vehicle. It would have been obvious to one of ordinary skill in the art at the time of

invention to provide the device taught by Movitrans and Simpkin et al. with connection as taught by Takakura et al. in order to allow the device to hook up to a standard connection on the vehicle, thereby decreasing the need for a plurality of differing connection members for each type of vehicle that may be on the line.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Klontz et al. and further in view of Fieramosca et al.

The admitted prior art teaches moving a vehicle about an assembly plant on an overhead carriage supplied with contact less power to the carriage. They do not teach taking some of the contact less power and connecting it to a vehicle via a terminal or a mobile control device connected to the vehicles power system. Klontz et al. US 5,341,083 teaches a system for providing power to a vehicle comprising:

- a primary source of power (202);

- a cord with a terminal (205) at its distal end and its proximal end connect to the power source;

- a vehicle with an onboard electrical system;

- wherein the terminal is configured to connect with the vehicle to supply power to said vehicle;

- a controller for turning the power to the terminal in a predetermined order of operations as set by the users of the system. Klontz et al. also do not teach the mobile device connected to the vehicles power supply system.

Fieramosca et al. US 6,021,366 teaches a mobile control device which connects to a vehicles electrical system in a temporary manner during assembly of the vehicle,

wherein the mobile control is operable to turn on and off various electrical systems associated with the vehicle. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by the admitted prior art with a power cord and terminal as taught by Klontz et al. in order to provide power as needed to the vehicle on the carriage from the closest source of power in this case the overhead contact less power supply powering the carriage and to further control the vehicles electrical system with a mobile controller such that a local operator may control the electrical system and test it as they are installing it without fear of the automated system charging a system they may be in contact with.

***Response to Amendment***

The amendments to the claims and drawings filed on December 17, 2009 have been entered into the record.

***Response to Arguments***

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection. Further the applicant is basing many arguments on the function of the device without disclosing how this function is achieved. Does the mobile controller operate by radio frequency waves, or is it hard wired to the overall system. There are no wiring diagrams or flow charts for how the system is connected and operates. As such many of the functions appear to be taught by the cited references, such as turning on an electrical system for testing and turning it back off afterwards. With a disclosure such as in the instant application any function that does not have a clear and concise disclosure on how it is performed must be considered to have been within the knowledge of a skilled craftsman at the time of invention as it is being mentioned but no details being

disclosed. As such an ordinary craftsman could control the systems of the prior art to meet the function of the instant invention.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is listed on the attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached on 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles A. Fox/  
Primary Examiner, Art Unit 3652